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AMARAVATI, FRIDAY, APRIL 23, 2021

G.34

PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

**COMMANDANT, HQRS.,
APSPF,
TIRUPATI.**

Rc.No.08/A3/Comdt.Hqrs/APSPF/TPT/2020-21.

Date: 19.03.2021.

O.O.No.328/2021.

DISCIPLINARY CASE AGAINST Sri K. SWAMYNADH, CT-5176 OF APSPF, UCIL THUMMALAPALLE - FINAL ORDERS.

- Ref:
1. OSL Report: C.No.06/SPF/AC/UCIL/OSL/2020/D.No.2241, dated:23.07.2020 of the AC, APSPF, UCIL Thummalapalle.
 2. Recall Memo: C.No.06/SPF/UCIL/Recall Memo/2020/D.No.2315 dated:14.08.2020 of the AC, APSPF, UCIL Thummalapalle.
 3. C.No.06/AC/SPF/UCIL/OSL/CT-5176/2020/D.No.2405, dated:08.09.2020 of the AC, APSPF, UCIL Thummalapalle.
 4. Memorandum of Charge: This Office Rc.No.08/A3/Comdt.Hqrs/APSPF/TPT/2020, dated:21.09.2020.
 5. C.No.06/AC/SPF/UCIL/OSL/CT-5176/2020/D.No.2530, dated:08.10.2020 of the AC, APSPF, UCIL Thummalapalle.
 6. This Office letter Rc.No.08/A3/Comdt.Hqrs/APSPF/TPT/2020, dated:26.10.2020.
 7. The A.P. Gazette Notification W.No.45, G.289, dated:06.11.2020.
 8. Appointing of EO: This Office Rc.No.08/A3/Comdt.Hqrs/APSPF/TPT/2020, O.O.No.1528/2020, dated:23.11.2020.

9. OE report: C.No.13/AC/SPF/SDSTPS/NLR/OE/CT-5176/D.No.13/2021, dt:19.01.2021 of the AC, APSPF, SDSTPS, Nellore
10. Show Cause Notice: This Office Rc.No.08/A3/Comdt.Hqrs/APSPF/TPT/2020-21, dated:22.01.2021.
11. C.No.06/AC/SPF/UCIL/OSL/CT-5176/2021/D.No.128, dated:08.02.2021 of the AC, APSPF, UCIL Thummalapalle.
12. This Office Lr. Rc.No.08/A3/Comdt.Hqrs/APSPF/TPT/2020-21, dated:15.02.2021.
13. The A.P. Gazette Notification W.No.8, G.499, dated:25.02.2021.

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ORDER:

In the reference first cited, the Asst. Commandant, APSPF, UCIL Thummalapalle submitted a report against Sri K. Swamynadh, CT-5176 wherein it was stated that, the said Constable who was on Medical Leave from 02.06.2020 AN to 22.07.2020 AN i.e., (50) days in two different spells and supposed to report back for duties on 22.07.2020 AN, did not report back for duties and became unauthorized absent from 22.07.2020 AN by overstaying from Medical Leave.

In the reference third cited, the Asst. Commandant, APSPF, UCIL Thummalapalle submitted another report stating that, the said Constable was issued a Recall-Memo vide reference second cited instructing him to report back for duties immediately or report sick at any nearby SPF Unit to obtain sick passport for availing medical treatment, if he was really suffering with ill health and the said Recall Memo was sent to his native address by Registered Post. However, the postal cover containing the above Recall Memo was returned with postal remarks that, "Addressee refused to take, hence returned to sender". Therefore, the Asst. Commandant, APSPF, UCIL Thummalapalle has requested to take necessary disciplinary action against the said Sri K. Swamynadh, CT-5176 for over staying from Medical Leave w.e.f. 22.07.2020 AN without any intimation to his superiors.

In the reference fourth cited, an Article of Charge was framed against Sri K. Swamynadh, CT-5176 for becoming unauthorized absence w.e.f. 22.07.2020 AN by overstaying from Medical leave and explanation called for.

In the reference fifth cited, the Asst. Commandant, APSPF, UCIL Thummalapalle reported that, the Memorandum of Charge which was sent to the native address of the said Charged Officer by Registered post with acknowledgement due, has been returned with postal remarks that, "*Addressee refused to take hence returned to sender*".

In the reference sixth cited, the Commissioner, Printing Stationary & Stores Purchase, Vijayawada was requested to publish the said Memorandum of Charge in the A.P. Gazette. Accordingly, the Memorandum of Charge was published in the A.P. Gazette on 06.11.2020 vide reference seventh cited.

Since the Charged Officer failed to submit explanation to the Article of Charge even after it was published in the A.P. Gazette, the disciplinary authority appointed Sri P.V.S.A.D. Prasad Rao, Asst. Commandant, APSPF, SDSTPS, Nellore as Inquiring Authority vide reference eighth cited to inquire into the charge levelled against the Charged Officer.

The Inquiring Authority has conducted an ex-parte enquiry as the Charged Officer failed to attend the Oral Enquiry and submitted the enquiry report vide reference ninth cited duly **"Proving"** the Article of Charge framed against the Charged Officer Sri K. Swamynadh, CT-5176.

In the reference tenth cited, a Show Cause Notice was issued to the Charged Officer inviting further explanation if any, on the enquiry report. Further, the Asst. Commandant, APSPF, UCIL Thummalapalle vide reference eleventh cited reported that, the copy of Show Cause Notice along with enquiry report which was sent to the native address of the Charged Officer by Registered post which was returned with postal remarks that, *"Addressee refused to take hence returned to sender"*.

In the reference twelfth cited, the Commissioner, Printing Stationary & Stores Purchase, Vijayawada was requested to publish the Show Cause Notice along with enquiry report in the A.P. Gazette, as the Charged Officer failed to receive the same which was sent to his native address. Accordingly, the said Show Cause Notice along with enquiry report was published in the A.P. Gazette on 25.02.2021 vide reference thirteenth cited. But, the Charged Officer did not submit any explanation to the Show Cause Notice till date.

Having gone through the entire PR file, I agree with the findings and opinion of the Enquiry Officer, who proved the Article of Charge levelled against the Charged Officer. The Enquiry Officer has conducted an ex-parte enquiry as the Charged Officer failed to attend the O.E. and submitted enquiry report duly proving the charge, as per the statement deposed by the concerned witness and the material made available. Initially, the Charged Officer went on Medical Leave for (30) days w.e.f. 02.06.2020 AN to 02.07.2020 AN and subsequently extended Medical Leave for (21) days w.e.f. 02.07.2020 to 22.07.2020 AN. After expiry of the said leave, he neither extended leave nor reported for duties and absented from duties without any intimation to his superiors. If he was really suffering with ill health and intended to take medical treatment and rest, nothing prevented him to avail any eligible leave duly following the procedure. But, he failed to do so and absented from duties on his own accord for a prolonged period of (240) days w.e.f. 22.07.2020 AN to till date i.e., 19.03.2021, which cannot be tolerable under any circumstances. Even he did not bother to inform his whereabouts to superiors during his absence period. Further, refusal of official documents/letters sent by Reg. Post, amounts to willful rejection, which is also dereliction of his duties. Therefore, Memorandum of Charge and Show Cause Notice along with OE report have been published in the A.P. Gazette, as envisaged in the APCS (CC&A) Rules-1991. Rejecting official communications by the Charged Officer and exhibiting irresponsibility in responding to all the official orders clearly indicates that he had no intention to serve the department.

This is an Armed Force and any absence by a member of the Force on his own for such a long period will have adverse impact on operational duties and the personnel are required to be put on extra duties in place of habitual absentees and thus it amounts to gross misconduct. Hence, he deserves to be punished severely.

I, therefore, award the Charged Officer with a penalty of "**Removal from Service**" with immediate effect under Rule-9(ix) of APCS (CC&A) Rules-1991.

The Medical Leave period from 02.06.2020 AN to 22.07.2020 AN i.e., (50) days is treated as follows:-

- i) From 02.06.2020 AN to 12.06.2020 AN i.e., (10) days is regularized as "**Commuted Leave**" by debiting (20) days HPL.
- ii) From 12.06.2020 AN to 22.07.2020 AN i.e., (40) days is regularized as "**ELFP**".

The entire unauthorized absence period of (240) days from 22.07.2020AN to 19.03.2021 (date of issuing this orders) is treated as "**Not on duty**".

Acknowledge the receipt of the proceedings.

M. SANKARA RAO,
Commandant, Hqrs,
A.P.Special Protection Force,
Tirupati.

To

Sri K. Swamynadh, CT-5176 of APSPF, UCIL Thummalapalle.
thro' the Asst. Commandant, APSPF, UCIL Thummalapalle – He will serve the orders on the above individual and return the dated acknowledgement copy to this office immediately.

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